

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES R. BRAWNER, III,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 11-6131
	:	
v.	:	
	:	
EDUCATION MANAGEMENT	:	
CORPORATION,	:	
ART INSTITUTE of PHILADELPHIA,	:	
U.S. CONGRESSMAN CHAKA FATTAH,	:	
U.S. SENATOR OLYMPIA SNOWE,	:	
PENNSYLVANIA DEP'T of EDUCATION,	:	
U.S. DEP'T of EDUCATION,	:	
ACICS, and ACCST,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 27th day of July 2012, upon consideration of the Motion to Dismiss of Defendant Pennsylvania Department of Education (“PA DOE”) (Doc. No. 5), the Motion to Dismiss jointly filed by Defendants Art Institute of Philadelphia and Education Management Corporation (“EDMC”) (Doc. No. 8), the Motion to Dismiss of Defendant ACICS (Doc. Nos. 22 and 23), the Motion to Dismiss of the United States on behalf of Defendants U.S. Senator Olympia Snowe and the U.S. Department of Education (“U.S. DOE”) (Doc. No. 31), and the Motion to Dismiss of Defendant U.S. Congressman Chaka Fattah (Doc. No. 32); the Motions to Continue/Requests to Deny Motions to Dismiss and supporting exhibits filed by Plaintiff in response to the Motions to Dismiss (Doc. Nos. 16, 17, 34, and 39); the Replies in response to Plaintiff’s Motions and Requests filed jointly by Defendants Art Institute of Philadelphia and EDMC (Doc. No. 21), by Defendant ACICS (Doc. Nos. 36 and 37), and by U.S. Congressman Fattah (Doc. No. 38); the arguments made by counsel for the parties at the January 24, 2012

hearing;¹ and in accordance with the Opinion of the Court dated July 26, 2012, it is **ORDERED** as follows:

1. The Motions to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) filed by Defendants PA DOE (Doc. No. 5), the United States on behalf of U.S. Senator Snowe and the U.S. DOE (Doc. No. 31), and U.S. Congressman Fattah (Doc. No. 32) are **GRANTED**.
2. The Motions to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) filed jointly by Defendants Art Institute of Philadelphia and EDMC (Doc. No. 8) and Defendant ACICS (Doc. Nos. 22 and 23) are **GRANTED**.²
3. The Motions to Continue/Requests to Deny Defendants Motions to Dismiss filed by Plaintiff (Doc. Nos. 16, 17, 34, and 39) are **DENIED as moot**.
4. The Clerk of Court shall **CLOSE** this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.

¹ The following Defendants filed Motions to Dismiss after the January 24, 2012 hearing and did not request oral argument: Senator Snowe (Doc. No. 31), the U.S. DOE (Doc. No. 31), and Congressman Fattah (Doc. No. 32).

² For the reasons stated in the accompanying Opinion dated July 26, 2012, the Complaint will also be dismissed as to Defendant ACCST and Defendant ACCSC.